

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1 and 6 have been canceled, claims 2 and 7 have been amended, and claims 9-11 have been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 2, 3, and 7-11 are pending and under consideration.

INTERVIEW SUMMARY:

On July 7, 2005, the Examiner and the undersigned discussed the 35 U.S.C. §112 rejections and the definition of the word "adjacent." Additionally, a potential claim amendment and the shape of the compression chamber 20 of McEwen (U.S. Patent No. 3,980,014) were discussed.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, the Examiner rejected claims 2 and 3 under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Amended, independent claim 2 recites: "...wherein the end of the second piston defines a gap in cooperation with an adjacent annular end of the cylindrical mold when the second piston is held in position adjacent the cylindrical mold, said gap defining a coolant drain passage."

The Merriam-Webster Online Dictionary defines "adjacent" as: "1 a : not distant : NEARBY <the city and adjacent suburbs> b : having a common endpoint or border <adjacent lots> <adjacent sides of a triangle> c : immediately preceding or following." The entry goes on to state: "ADJACENT may or may not imply contact but always implies absence of anything of the same kind in between." (Merriam-Webster Online Dictionary, visited May 20, 2005, <http://www.merriam-webster.com/cgi-bin/dictionary?book=Dictionary&va=adjacent&x=0&y=0>).

Applicants respectfully submit that use of the word "adjacent" in claim 2 does not imply contact, particularly since the recited positioning of the end of the second piston in cooperation with an annular end of the cylindrical mold defines a gap, the gap defining a coolant drain passage.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, at page 3, the Examiner rejected claims 1, 2, 6, and 7 under 35 U.S.C. §102(b) as being anticipated by McEwen (U.S. Patent No. 3,980,014 – hereinafter McEwen). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Claims 1 and 6 have been cancelled.

Amended, independent claim 2 recites: “[a] grinding sludge compacting machine to compress and make a briquette of a grinding sludge by inserting a concentrated grinding sludge formed by filtering a grinding sludge, produced in a grinding line by grinding hardened component parts while containing a coolant, into a press unit comprising a cylindrical mold ... a diameter of an end of the second piston being larger than an inner diameter of the cylindrical mold, wherein the end of the second piston defines a gap in cooperation with an adjacent annular end of the cylindrical mold when the second piston is held in position adjacent the cylindrical mold, said gap defining a coolant drain passage.”

And amended, independent claim 7 recites: “...a press unit having a cylindrical mold...a second reciprocating piston arranged in face-to-face relation with the first reciprocating piston, a diameter of an end of the second reciprocating piston facing an end of the cylindrical mold being larger than an inner diameter of the cylindrical mold, wherein during operation, the end of the second piston is spaced from an adjacent end of the cylindrical mold to define a coolant drain passage.”

The compression chamber 20 disclosed in McEwen is not cylindrical, but rather, is rectangular. (See McEwen, for example, at FIG. 2 (which is a vertical section taken along lines II-II of FIG. 1), col. 2, lines 63-64, col. 3, lines 49-50, and col. 4, lines 2-5, and 15-20).

Additionally, in McEwen, there is no indication that the grinding sludge results from grinding hardened component parts. McEwen only indicates that the sludge results from cutting tool waste. (See McEwen, at col. 1, lines 10-15). Accordingly, Applicants respectfully submit that a §102 rejection is not proper.

Further, while McEwen does not explicitly state a size relationship between the piston 50 and the compression chamber 20, in FIG. 1, the piston 50 appears to be inserted in the end of the compression chamber 20. Further, the section cited by the Examiner in support of the inherency (col. 4, lines 29-43) appears instead to refute such inherency. The cited section states that the piston 50 may be provided with a gasket 54 similar to the gasket 44 on the compressing piston 40. (See McEwen, at col. 4, lines 29-33). Applicants respectfully submit

that if an end of the piston 50 were indeed larger than inner dimensions of the compression chamber 20, then such a gasket 54 would have no function.

Applicants respectfully submit that since the piston 50 and gasket 54 combination appear to be inserted into compression chamber 20, the diameter of the piston 50 and gasket 54 combination would necessarily be, at greatest, equal to inner dimensions of compression chamber 20, and not larger, as recited in claims 2 and 7.

Accordingly, Applicants respectfully submit that independent claims 2 and 7 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 4, the Examiner rejected claims 3 and 8 under 35 U.S.C. §103(a) as being as being unpatentable over McEwen. The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Applicants respectfully submit that claims 3 and 8, which depend, respectively, from independent claims 2 and 7, should be allowable for at least the same reasons as claims 2 and 7, as well as for the additional features recited therein.

NEW CLAIMS:

Applicants respectfully submit that for at least similar reasons as those stated in the section regarding the rejection under 35 U.S.C. §102, new claims 9-11 patentably distinguish over the cited art and should be allowable.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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